

2. On March 9, 2020, Plaintiffs served the Second Supplement Expert Report of their forensic economist expert, Bernard Pettingill. This Report takes the information contained in Dr. Lichtblau's Supplemental Report, and projects the costs of Mr. Loveland's future medical care for the remainder of his life. Mr. Pettingill, in short, provides the total monetary value of the care Dr. Lichtblau believes Mr. Loveland will need in the future. Mr. Pettingill based his calculations on a new income growth rate (i.e., a rate different from his original report) and a new future income discount rate.

3. The Court should preclude both of these experts from offering their newly-disclosed opinions pursuant to Federal Rule of Civil Procedure 37 as a sanction for Plaintiffs' failure to comply with their disclosure obligations under Federal Rule of Civil Procedure 26 and this Court's Final Progression Order.

4. Plaintiffs' belated disclosures are unjustified and if the belatedly-disclosed opinions of Plaintiffs' experts are introduced at trial, Goodyear will be substantially prejudiced.

WHEREFORE, Goodyear respectfully requests that the Court enter an order barring Dr. Lichtblau and Mr. Pettingill from introducing at trial any opinions from their belatedly-disclosed expert Reports.

GREENSFELDER, HEMKER & GALE, P.C.

By: /s/ Edward S. Bott, Jr.

Edward S. Bott, Jr.

Clark W. Hedger

Robert L. Duckels

10 South Broadway, Suite 2000

St. Louis, MO 63102

(314) 241-9090

Fax: (314) 345-5465

esb@greensfelder.com

chl@greensfelder.com

rld@greensfelder.com

AND

BAIRD HOLM LLP

Jennifer D. Tricker (NE# 23022)

1700 Farnam Street, Suite 1500

Omaha, NE 68102-2068

(402) 344-0500

jtricker@bairdholm.com

Attorneys for The Goodyear Tire & Rubber Company

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was filed with the Clerk of the Court and served upon all attorneys of record using the CM/ECF system this 11th day of March, 2020.

Kyle W. Farrar (*pro hac vice*)
Wesley Todd Ball (*pro hac vice*)
KASTER, LYNCH, FARRAR & BALL, LLP
1117 Herkimer St.
Houston, TX 77008
kyle@fbtrial.com
wes@fbtrial.com

Paul E. Godlewski
SCHWEBEL, GOETZ & SIEBEN, P.A.
5120 IDS Center
80 South 8th Street
Minneapolis, MN 54402
pgodlewski@schwebel.com

Michael F. Coyle
Brian J. Fahey
FRASER, STRYKER PC LLO
409 South 17th Street
Suite 500, Energy Plaza
Omaha, NE 68102
mcoyle@fraserstryker.com
bfahey@fraserstryker.com

Attorneys for Plaintiffs

/s/ Edward S. Bott, Jr.